

**Remarks/Arguments**

Claims 40 and 45 have been amended.

The Examiner has rejected applicants' claims 40-49 under 35 U.S.C. §103(a) as being unpatentable over the Berliner (US 6,181,768) patent. Applicants have amended applicants' independent claims 40 and 45, and with respect to such claims, as amended, and their respective dependent claims, the Examiner's rejection is respectfully traversed.

Applicants' independent claims 40 and 45 have been amended to better define applicants' invention. More particularly, applicants' independent claim 40 has now been amended to recite an image display apparatus wherein a storage means stores a plurality of images of a same subject along with information relating to a correspondence relationship between the images and times when the images were taken. A searching means searches for images forming a stereo image and having a correspondence relationship therebetween from the plurality of images stored in the storage means, based on the information. A display means displays two of the images in a manner enabling an observer to fuse the two images together for stereoscopic viewing, and a display control means reads any two of the images from the storage means and controls the display means to display the read two images. Independent method claim 45 has been similarly amended.

According to the construction in applicants' claimed invention, for example, two images of the same subject obtained at different times and forming a stereo image are searched from the stored images, based on the image and time information, and the two images of the same subject obtained by the search are displayed in a manner enabling an observer to fuse the images together for stereoscopic viewing. Thus, the subtle differences

between the two images of the same subject obtained at different times can be clearly shown to the observer without carrying out complex image processing.

Such a construction is not taught or suggested by the cited art of record. In particular, the Berliner patent discloses an imaging apparatus 10 comprising a computer workstation 20. The workstation 20 acquires radiological images of a patient, and stores them. The images acquired by the computer workstation 20 may be viewed by a viewer on a display 22. The display 22 is configured to provide a left image 24 and a right image 26 to the left and right eye of the viewer.

The Examiner has argued relative to the Berliner patent as follows:

"It is obvious that the medical technician who uses this device to take a plurality of pictures of a plurality of patients each day would use 'a correspondence relationship' which is common such as giving the image file, names related to 'patient names', 'patient social security numbers' etc. and further with regard to 'time' it is standard practice for a computer operating system to assign a 'time' of creation to the properties of the file and further these common file naming procedures (as broadly read) would be used to search for files at a later time."

It is quite evident that the Examiner's above statements are not based on what is stated in the Berliner patent itself, since the patent is silent as to the manner of storing and retrieving the radiological images. Moreover, the Examiner has stated what the Examiner believes to be standard practice for a computing operating system, but applicant submits that the data recorded in any application would depend upon its importance and, in particular, the time of obtaining data or of data entry need not always be recorded if time is not important.

In the system of the Berliner patent, the time of taking the images is not stated or recognized as being important so that it is not believed that time information would be recorded with the images. The Examiner has acknowledged as much in stating that "Berliner

and the other prior art . . . [are] more directed towards pictures taken at different angles not so much different times." Moreover, even if time were recorded as an entry time in the Berliner system, since the time of taking the images is of no particular relevance, the skilled person would not have been motivated to set up the system so that the searching for the images is based on information relating the images to the times they were taken.

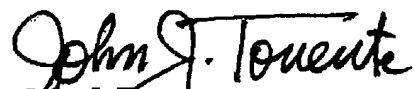
Thus, applicant's amended claims 40 and 45, and their respective dependent claims, in reciting "storing a plurality of images of a same subject along with information relating to a correspondence relationship between the images and times when the images were taken . . . [and] searching for images forming a stereo image and having a correspondence relationship therebetween from the plurality of images stored in said storage means, based on the information", are believed to patentably distinguish over the Berliner patent.

In view of the above, it is submitted that applicants' amended claims 40 and 45, and their respective dependent claims, patentably distinguish over the cited art of record. Accordingly, reconsideration of such claims and passage of same to issue with the allowed claims is respectfully requested.

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